

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23252 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- PHULPARAS District- Madhubani

SHIV KUMAR RAY SON OF SHREE PRASAD RAY @ SHREEPRASAD
RAY RESIDENT OF VILLAGE- KHARGAMA, WARD NO 13, P.S-
PHULPARAS, DIST- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Phulparas P.S. Case No. 46 of 2022, G.R. No. 25 of 2022
registered for the offences punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, near about 129 litre illicit
liquor has been recovered from Dalan of the petitioner and
petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 22.01.2022 and bears criminal



antecedent of one case. He further submits that petitioner has been falsely implicated in this case due to local politics. He further submits that Dalan of the petitioner is an open place and the house is joint family property where several persons reside. There is no compliance of mandatory provisions of Section 100 of the Cr.P.C. There is no independent witness in the seizure list. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur in connection with Phulparas P.S. Case No. 46 of 2022, G.R. No. 25 of 2022, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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